

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

ELIZABETH NELSON and  
ALBERT THROWER,  
Plaintiffs,  
v.

Case No. 23-11597

Brandy R. McMillion  
United States District Judge

ROBERT SCOTT, *et al.*,  
Defendants.

Curtis Ivy, Jr.  
United States Magistrate Judge

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**CASE MANAGEMENT ORDER**

SUMMARY OF MAJOR DEADLINES	
EVENT	DEADLINE
Amendment of Pleadings	May 31, 2024
Initial Disclosures	June 7, 2024
Fact and Expert witness lists/disclosures	July 8, 2024
Fact Discovery	August 5, 2024
Dispositive Motion Deadline	September 3, 2024

Plaintiffs Elizabeth Nelson and Albert Thrower filed this matter on July 5, 2023. (ECF No. 1). This case was referred to the undersigned to conduct all pretrial proceedings. (ECF No. 44). The Court issued an order requiring a Rule 26(f) meeting and Rule 16 conference, and a telephonic scheduling conference was

set for May 9, 2024. (ECF No. 47). During the scheduling conference, the following dates were agreed on and will govern the future course of this case:

A. AMENDMENT OF PLEADINGS

Amendment of pleadings must conform with Fed. R. Civ. P. 15 and M.I.E.D. Local Rule 15.1. The deadline for Plaintiffs to file an amended complaint May 31, 2024.

B. JURY TRIAL

A jury trial has been demanded.

C. INITIAL RULE 26(a)(1) DISCLOSURES

The parties will make initial disclosures pursuant to Federal Rule of Civil Procedure 26(a)(1) by June 7, 2024.

D. WITNESS LISTS

Lay and expert witness lists and disclosures are due July 8, 2024. Normally a witness should be identified by name or with sufficient specificity that a particular person can later be identified. Custodians of records need not be identified by name but the records sought should be identified so the proper custodian for those records can be identified. Non-expert witness lists should include a short (one or two sentence) summary of the witness's expected testimony. Expert witness disclosures should include the reports required by Federal Rule of Civil Procedure 26(a)(2)(B). No witness may be called for trial

unless that witness's name is listed by the above date, without a stipulation or order of the court that would be based on a showing that the witness sought could not reasonably have been listed as of that date.

E. DISCOVERY

All discovery must be initiated such that it is completed by the deadlines indicated herein. Fact discovery must be completed by August 5, 2024. Extensions of court-supervised discovery are not ordinarily granted in the absence of unusual circumstances. That said, a party may move to extend scheduling order deadlines addressing Fed. R. Civ. P. 16(b) good cause factors. All motions to compel disputed discovery or for protective orders must be filed promptly (within 14 days) of notice of the dispute or they will not be considered, absent an extraordinary showing of good cause. **Prior to filing a motion to compel, the moving party must seek concurrence in the relief sought and certify attempts to do so under Local Rule 7.1.**

F. DISPOSITIVE MOTIONS

Dispositive motions (motions to dismiss or for summary judgment, etc.) must be filed by September 3, 2024. The procedures associated with such motions are governed by the Local Rules and the district judge's practice guidelines, which are both located on the Court's website. *See* [www.mied.uscourts.gov](http://www.mied.uscourts.gov).

G. SETTLEMENT

A settlement conference will be scheduled after the completion of discovery and at the request of the parties.

#### H. CIVILITY

The parties are reminded of their responsibilities under the Civility Principles of this court, which are located as an appendix to the Local Rules of the Eastern District of Michigan.

#### I. MAGISTRATE JUDGE JURISDICTION

The parties are informed of their option to consent to allow a United States Magistrate Judge to conduct any and all proceedings in this case, including a jury or nonjury trial, and to order the entry of a final judgment, pursuant to 28 U.S.C. § 636(c) and Federal Rule of Civil Procedure 73.

#### J. FURTHER PROCEEDINGS

Absent consent to magistrate judge jurisdiction in this matter, all further proceedings in this case, following resolution of dispositive motions, must be conducted by the district judge assigned to this case. Those matters include the preparation of a joint pretrial order, conducting a final pretrial conference, consideration of motions in limine, approving voir dire and jury instructions, as well as any other issue that remains in dispute or pertains directly to the manner in which the trial is conducted.

**IT IS SO ORDERED.**

Date: May 9, 2024.

s/Curtis Ivy, Jr.

Curtis Ivy, Jr.

United States Magistrate Judge